THE MORNING OREGONIAN, SATURDAY, APRIL 6, 1901.

REED'S CLAIM WAS DENIED exceedingly desirable for either concerns the mine lies to or smelter treatment. The mine lies in the same general mineral district with the rich mines of Republic, the Bound-EX-FISH COMMISSIONER GETS NO

PAY FOR MARCH.

Will Probably Ask Courts to Decide Whether New Law Legislates Him Out of Office.

100 111.7 1120 SALEM, Or., April 5.-Ex-Fish Commit aloner F. C. Reed today took the first formal step in determining his official standing by filing in the office of the retary of State a claim for his sal-The ary for the quarter ending March 31. pialm was for \$525 Secretar, of State Dunbar allowed the claim in the sum of 1416 67, for the months of January and February, but disallowed the remi ader. for the reason that the office of Fish Commissioner was abolished by the last Legislature. The fishery bill was filed by The Governor February 28, and the Sec-retary of State holds that Mr, Reed went out of office immediately. In all probabil ity Mr. Reed will in a few days begin a ndamus proceeding to test the questio

of his right to remain in office. While Mr. Reed has given but few hints of his view of the new fish haw, it is sur-mised that he will contend that the whole law is inoperative because of inconsisten ries; that if it shall be held valid, it still does not repeal the former law which he holds office, and that if it does repeal part of the old law, it cannot be ed as legislating him out of office less there is some express provision to that effect.

Since all the matters involved are purecy matters of law and would involve no trial of questions of fact, it would seem that a suit to determine the validity the new law can be taken through the Circuit and Supreme, Courts with little delay or expense

Some Misquoted Points in Law. The new fishery law has been the subinto new instery inw has been the sub-ject of many comments, and its terms have often been mistinderstood. It has several times been stated that the law forbids fishing for salmon at any time and in any manner except with hook and line. This is not what the law says. The section covering this methy is section 4. section covering this point is section 4, and reads as follows: "It shall be unlawful to take or fish

for salmon at any time or by any means whatever, except with book and line, com monly called angling, or to take or fish for salmon in any manner whatever during the spawning season on any spawning bed or shallow where salmon are worlt to ile and deposit their spawn, in the Columbla River or any of its tributaries east of its confidence with the Deschutes

will be observed that the limitation to fishing with hook and line applies only east of the Deschutes, and that on spawn-ing grounds east of the Deschutes, not Had the punctuation of this section been different, the prohibition might have been absolute. For example, if the comma after "angling" had been a semicolon, it would end the provision and shut off the limita-tion to those rivers east of the Deschutes. An extreme and far-fetched construction of the sentence might hold that the first prohibition terminates with the word "angling," but in order to do this one must shut his eyes to all the other sections making similar provisions. Section 5 provides that it shall be unlawful to fish for salmon by any means whatever, ex-cept with hook and line, commonly called angling, in the Willamette River or its tributaries above the falls at Oregon City. And so with other sections. The evident to prohibit fishing, except by rod and line in all the small streams which fish seldom frequent and where they go to spawn. With this purpose in view, the intent of the Legislature could not be misconstrued so far as section i is concerned, though the effect of the punctuation be disregarded.

Section 2 of the fish law says: "It shall unlawful to take or fish for salmon in any rivers or their tributaries in the a letter from the Southern Oregon Com-State of Oregon, or any waters over which the state has concurrent jurisdiction, ex-It has asserted that, after this provision, any authority for fishing must be given in affirmative language, and, if not so given, the prohibition is absolute. It is contended that since the Legislature made a sweeping prohibition, "except as hereinafter provided." the subsequent provisions must be that "It shall be lawful" in certain cases, or that fishing "may" be carried on under certain conditions. All the sections on this subject after section 2 provide that "it shall be unlawful" to fish in adrials streams except at certain times. It is argued that these words of exception do not counteract the general prohibition, and hence there is an inconsistency which will render the law inoperative.

NEW LAW IS INOPERATIVE ary and Rossland, B. C. The present tunnel on the Justice is to

be the main working tunnel of the mine. Three hundred feet of steel ralls have been laid and steel ore car and Jackson power drill installed. This tunnel will, until the lower levels are opened up, provide ample drainage. The company has expended over \$4000 on the property and will soon apply for a patent from the

vernment. The mineral possibilities of the south half of the Colville reservation are pro-nounced by expert mining men to be ex-celled by no other district in the Pacific orthwest. The ores of this district are treated at the smelters at Trail, Grand Forks and other points in British Colum-bia and at Northport, Wash., while certain quantities find their way to Taco-ma and Everett. If Portland had a smelter there is no reason why it could not secure a large share of the ore of this marvelously rich district.

AIKEN MURDER TRIAL

Effort Made to Impeach Testimony of State Witnesses.

HILLSBORO, Or., April 5.-The State rested its case in the Alken murder trial this morning, and the defense immedi-ately introduced testimony to impeach Witness Woodard, Woodard testified that after the murder Alken came to his saloon in Portland and told him that "Henry had killed a Chink." Wan Jim. Celestial who lived with the dead hinaman, and Louie How, testified that Alken knew he had money, as Alken was present when he had some money changed in the saloon. Louie How, who was badly beaten over the head and face when Gule Sule was shot, testified that Alken was standing outside the cabin, and when he tried to get out that the defendant clubbed him. He swore that he was positive Alken was the man. These three witnesses are the ones upon whose evidence the State hopes to con-

The defense, for purposes of impeachment, examined Attorneys Walter Wolf, M. J. McMahon, Claude Strahan and Fitzgerald, as to Woodard's reputation in Portland. All swore that it was bad, During these examinations it transpired that Woodard had been charged with burglary in Multnomah County, and had pleaded guilty when the charge was re-

duced to pettit larceny. Mrs. Woodard, who, with her husband, keeps the Tacoma House, testified that she would not believe her husband under oath. She admitted having tried to dissuade her husband from testifying in the case, and that she made a trip to see Aiken after he had been incarcerated in the Washington County jail. The deposition of Bertha Craig, of

Portland, was read in court. She testified that she was with Alken on the nights of December 3 and 11, but that she was never out with him only on these two occasions.

The defendant was placed on the stand prounds east of the Deschutes, not end dealed any knowledge of the crime, hook-and-line fishing is permitted. He testified that he was with the Craig woman on two Monday evenings, the first of which was the night of the mur-der. He denied having told Detective Joseph Day, at the time of his arrest, that he did not know where he was on the night of December 5. There will be rebuttal to follow the defense, and the case will probably go to the jury late this evening, or tomorrow forenoon

Sheriff Sewell will commence the col-lection of taxes on the 1900 assessment next week. The roll will be turned over collection Monday. GOVERNMENT WANTS HATCHERY.

Will Agree to Operate Siletz Plant

to Fullest Capacity. ASTORIA, Or., April 5.-Master Fish Warden H. G. Van Dusen has received a letter from E. N. Carter, connected with the United States Fish Commission, and stationed at Oregon City, making a request that the Siletz River hatchery, belonging to the state, be turned over to the Government upon a guarantee that it be operated to its fullest capacity in the propagation of chinooks and steel-heads. Mr. Van Dusen has also received

OREGON ACT FOR BOUNTY ON SEALS, SEALIONS, ETC.

Attorney-General Holds It Was to Receive Funds From Office Which

Has Been Abolished.

SALEM, April 5 .- In answer to ques tions propounded to him by Secretary of State Dunbar, Attorney-General Black-burn has rendered an opinion in which he holds that the act of the last Legislature authorizing the payment of a \$2 bounty on scals, sea lions, shelldrakes, etc., is practically inoperative. The act in quespractically inoperative. The act in ques-tion was known as Senate bill 112, and provided for the creation of a fund from moneys paid in by the "Fish Commis-sioner," which fund is to be paid out on bounty claims approved by the "Fish bounty claims approved by the "Fish Commissioner." The opinion, in brief, is that since the Fish Commissioner's office has been abolished, there will be no mon-

eys turned over by him to create a fund, and no such official before whom the bounty claims can be made. It was sug-gested by the questions propounded that the words "Master Fish Warden" might be substituted for "Fish Commissioner," but the Attorney-General holds that this

cannot be done, and that the act is inoperative for want of a means to its enforcement, though it is in itself vold. The gist of the opinion is contained in the following excerpt: "It is certain almost if not altogether seyond a reasonable doubt that it was the legislative intent that a sum, not exceed

ing \$5000, should be appropriated annually out of the moneys collected for licenses issued in connection with the fishing in dustries of the state, and from fines, etc. but it is not certain that the act in question was so drawn that its provisions in respect can be carried into effect, "If it be true-and I think it is unques

tionably so-that under the law on this subject as it now appears upon the statute-books the Fish Commissioner appointed under the act of 1898 cannot iss licenses and collect the fees therefor, and cannot receive and receipt for fines and penalties, then it is equally true that no moneys arising from these sources, or

lther of them, can be 'paid to the State Treasurer by the Fish Commissioner of the State of Oregon'; and as the act of 1991 reads, these bounties can only be paid out of moneys so collected. Section 2 of the act is also equally as clear and definite. The moneys appropriated 'shall be taken proportionately from moneys re-ceived from each fishing district, immedi-

ately upon the passage and approval of this act. as such money is paid such Treasurer by the "Fish Commissioner." "Has any one now the authority to read into this statute the words 'Master Fish Warden' where the words 'Fish Commisioner' were used by the Legislature? If any one should attempt to exercise such authority, would it not be the assumption of legislative functions?

"In section 332 of 'Sutherland on Statutory Construction' it is said: 'When the language of a statute is clear and unambiguous, a meaning different from that which the words plainly imply cannot be judicially sanctioned. Even when a cour convinced, from considerations outside of the language of the statute, that the Legislature really meant and intended something not expressed by the phrase-

ology of the act, it will not deem itself ized to depart from the plain meaning of the language which is free from ambiguity.' "I am inclined to the opinion that no

money could be set apart by the Treas-urer and denominated 'the fishery bounty fund,' except out of the moneys received by the Fish Commissioner after the pas-sage and approval of said act and down to and including the 25th day of February 1901, and, therefore, that there can be in effect no 'fishing bounty fund.'

"Senate bill No. 112 specially provides that the affidavits required of those who claim to have killed any common seal, sea lion, shelldrake, etc., which would entitle him to the bounty provided by said pany, of Empire City, requesting that a hatchery be established on the Coquille act for the purpose, shall be sworn to before the Fish Commissioner or his narty killing said Duty: ani.

constitution carries with its mandate the vigor of an appropriation. The Auditor will, therefore, draw warrants for them. FAVOR A CUT IN EXPENSES

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The Supreme Court today postponed the date for the examination of applicants for admission to the bar from the usual time in May until June 5. U. E. Harmon, of Chehalis, and C. S. Reinhart and F. S. Owings, of Olympia, were appointed by

the court to conduct the examination. BAREERS WILL BE PROSECUTED.

Two Astoria Men Said to Be Plying Trade Without Licenses.

ASTORIA, Or., April 5 .- The first proseutions in Astoria under the state law requiring barbers to have certificates of egistration were commenced this afternoon, when Harry T. Rogers and A. Peterson were arrested on complaints filed in the Justice Court. Rogers is charged with engaging in the barber business without first having obtained a certificate of registration, and Peterson is charged with employing Rogers as a barber when the latter had no certificate. The complaints were sworn to by C. W. Buck, who represents the State Barbers' Commission in the matter. The cases will be tried Monday.

.........

Fascinating

Summer Silks New Metallic Taffetas. Panne ulards. Novel Color Combina-ns. Subjects treated by Nina odwin IN THE SUNDAY OREGONIAN

..........................

NORTHWEST DEAD.

Colonel Robert Wallace. NEW YORK, April 5 .-- Colonel Robert Wallace is dead in Jersey City, aged 80 years. He served as a Captain in the

United States Army in the Mexican War, was Colonel of a Western regiment in the Union Army in the Civil War, and after the war lived for many years in the State of Washington.

Dr. J. H. Wait, of Medford.

MEDFORD, Or., April 5 .- Dr. J. B. Walt, a well-known physician, died at his home here today, aged 59 years. Death was due to pneumonia.

Funeral of Mrs. Mary Allphin. CORVALLIS, Or., April 5 .- The funeral of Mrs. Mary Allphin took place from the home of her daughter, Mrs. W. F. Gray, yesterday afternoon. Death occurred Wednesday. Deceased was an Oregon ploneer of 1845. Her parents were

the Andersons, of Missourl, who settled in the Waldo Hills in 1846. Mrs. All-phin was born near Glasgow, Mo., In 1833. In May, 1851, she marled M. J. Allphin. After a residence of several years in Portland, Salem and The Dalles, the family settled in Corvalits in 1871, where

the deceased resided until her death. Six children survive: Mrs. O. A. Chitwood, of Chitwood, Or.: Thomas Allphin, of Bozeman, Mont.; Mrs. W. A. McBridge, Eddyville, Or.; Joseph Allphin, of Northport, Wash.; E. G. Allphin and Mrs. W.

F. Gray, of Corvallis.

Decision in Water-Right Suit. PENDLETON, Or., April 5.-Judge Ellis has overruled the demurrers filed by de-fendants in the water-right case of W. S. Byers vs. G. W. Rigby et al. Byers brought suit against Rigby and other farmers who take water from the river for irrigation purposes. Byers claims the right to 10,000 miners' inches of water

for his flouring mills here, and sets up that the diversion of the water by the defendants prevents him from obtaining detendants prevents nim from obtaining as much water as is his by right of pri-ority. Several demurrers were filed, all being overruled, excepting those of Charles Wilkins, the Indian agent, and Goodman, an Indian, who are thus made not parties to the action, Judge George H. Williams, of Portland, and Judge John J. Balleray, of Pendleton, argued the case for the plaintiff. Carter & Raley and Judge James A. Fee representing the defendants. The trial will occur at the

HOW SALEM CITIZENS WOULD AVOID OCCUPATION TAX.

Ask Council to Make Reduction of \$3700, \$2500 Being for Lights-

Views of Prominent Men.

SALEM, Or., April 5.-The mass meeting of citizens at the City Hall tonight was just as unanimous in declaring against the occupation tax as was thu meeting last Monday night in declaring in favor of it. The number attending the two meetings was about the same. W. M. Kaiser was elected chairman and Henry Myers secretary. The prevailing sentiments were voiced as follows: P. S. Knight-If any tax other than a property tax is to be levied, it should be

an income tax applying to all alike and should especially reach those who have an income, but no occupation. The corporate limits of the city should be ex-tended so as to include all the people who get the benefits of city government.

8. T. Northcutt-No occupation tax should be levied, until voted by the peo-ple at a special election. M. W. Hunt-It is impossible to make

an occupation tax equitable. Tilmon Ford-Four per cent is as great a tax as people should be asked to pay. An occupation tax on top of that would drive away immigrants and intending investors. The old volunteer fire depart-ment did better service than the paid de-partment, and the expense of the latter should be reduced.

Should be reduced. J. A. Jeffrey-No tax should be fivled that will discourage industry. John H. McNary-The occupation tax is wrong in principle and is unconstitu-tional. A tax fastened on the people is

never removed. Resolutions were adopted without a dissenting vote, asking the City .Council to abolish street lights so as to save \$2500 per year; require the Chief of Po-lice to serve as chief of the fire department, saving \$600 per year; and reduce the compensation of hosemen, cutting expenses \$600 per year.

Capital City Brevitles.

The County Court today called for bids for furnishing medical attendance and medicine for the inmates of the poor farm and paupers.

H. M. Buell, a paperhanger employed in Reed block, today feil from a scaffold, fractured his right wrist and severely sprained both ankles. Work is soon to begin on the rebuild-

ing of the Salem Flouring Mill, which burned in September, 1899. Some time ago news was received here

that Ross McCormack, a former Salem boy, had been arested on a charge of rob-bery at Central Spur, Cal. It was learned today that he has been discharged. Militia Company F, of this city, has se-cured grounds for target practice in Polk County, near Salem, and will begin prac-tice as soon as the weather becomes fair.

DATE OF M'KINLEY'S VISIT.

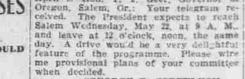
Wires Governor Geer That He Expeets to Reach Salem May 22.

SALEM, Or., April & .- In order to know what steps to take in order to arrange a suitable programme for the entertain-ment of the President at the Capital when

he reaches this city in his Western trip, Governor Geer today wired Private Sec-retary Cortelyou for information as to the President's plans and extending an invitation to make the Salem stop ion enough to enjoy a drive into the sur long

ounding country In response the following telegram was received

"Executive Mansion, Washington, D. C.,



"GEORGE B. CORTELYOU.

Governor Geer has conferred with Mayor Bishop regarding the arrangements for effortaining the President, and the $c_{\rm LY}^{\rm r}$ will do all that is possible to make the reception of the President a success. The President will probably be asked to ad-dress the citizens of Salem from the west portico of the Capitol, and greet as many of them as possible with a handshake, after which he will be taken for a drive

to a place commanding a good view of the city and surrounding country. It is also probable that the President will be prevailed upon to formally lay the cor-nerstone of Salem's new federal building, the foundation of which will be comthe pleted about the time of his visit,

D. E. Robinson Ill. CHICAGO, April 5 .- D. B. Robinson, ormerly first vice-president of the Atchseriously ill in this city with heart disease. He was taken ill about a year ago and sent to St. Luke's Hospital, from which institution he was discharged June which institution he was uschargen Jule 25 as practically recovered. Shorily after-ward he had a relapse and was taken to spartments on the North Side, where he and his wife have since lived. Gale! Thompson, the son-in-law, said today that while Mr. Robinson was very ill, the fam-ly will have homes for his recovery

ily still has hones for his recovery.

Fruit

Grains

Bradley Martin Must Pay Taxes,

own a decision affirming an order by lustice Andrews to compel Bradley Mar-

April 5.-Hon. T. T. Geer, Governor of i in to pay taxes in this city. His Der Oregon, Salem, Or.: Your telegram re- sonal property has been assessed in the Your telegram re-sonal property has been assessed in the sum of \$200,000 for the year isst. Bradley ceived. The President expects to reach sum of \$200,000 for the year 1008. Bradlay Salem Wednesday, May 22, at 9 A. M. Martin claimed to have ceased to have a nd leave at 12 o'clock, noon, the same | residence in this city, and to have ac quired a residence in Scatland prior to January 1, 1899. The decision is based upon the opinion of Justice Andrews, in

the court below. Justice Andrews says that the relator had paid taxes on personal property here in pregious years and without protest, except in 1998. It ap-peared that he still retained his citizenship here, and that there had been no whittever in his hubits of life change since 1892.

Prospect for the Future Beight.

CHICAGO, April 5.-New and more splendid eras of democracy were heralded by President Andrew Druper of the Uni-versity of Ellinois, in an address in the hall of the Chicago Historical Society inst evening. Dr. Draper gave his subject as "The Outlook of the United States at the Opening of the 15th Century, and Again at the Opening of the 38th Cen-tury." The fears of the anti-importalists he discredited, and he expressed faith in the ultimate dominance of democratic

government more firmly and more widely established than ever before. Dr. Draps traced the growth of the century, th economic, educational and religious lines. He found each potent in its way and in each he found the growth healthy and the prospect for the future bright.

Street aweepings, ashes, einders, broken tiling, bricks, terra cotta and all the in-numerable waste materials of downtown Chicago are carried over the Van Buren street dump at the rite of 50 to 500 wagon-loads a day. Within three years nearly 09 acres of park lands have been made in the lake between the Blinois Central tracks and between Randolph NEW YORK, April 5.-The appellate division of the Supreme Court has handed street and Park row. To accomplish it

water from six to lifteen feet deep has been displaced.

FIGPRUNE Looks like coffee. Tastes BEST like coffee. But-there is not a grain of coffee in it. CEREAL Consists entirely of COFFEE California selected figs, prunes and grains-scientifically blended.

Hot or cold, Figprune is never insipid-holds its flavor to the bottom of

the cup. Free samples at your

grocers. Ask for one. Boil from 5 to 10 minutes only. ALL GROCERS SELL

Figprune Cereal.

FISHERMEN WILL ASSIST.

To Prevent Illegal Fishing on Cinckamas and Williamette.

OREGON CITY, Or., April 5.- The fish ermen of the Clackamas River have made an agreement with Water Balliffs Mo-Cown and Smith, by which illegal fishing will be stopped. It is as follows: "We, the undersigned fishermen of the

Grande Clackamas River, hereby pledge ourselves to do no fiehing on the Clackamas River or any river over which the State of Oregon has jurisdiction, during the closed season. We further pledge that we will allow the water balliffs the use of our boats at any time during the closed sea-son, and also give any information in regard to any illegial fishing of which we may know.

This agreement was signed by the fol. lowing fisherment: Louis Himler, Fred Hunter, Pearl Beaman, E. Hunter, John Griener, C. E. Shnith, J. C. Pierce, F. Oldenberg, B. L. Jewell and George Hunter.

All fishermen on the Clackamas River signed the agreement, and say they will do their best to uphold the law on both

the Clackamas and Willamette, Bailiffs Moody and Blakely are keeping a close watch in Portland to prevent fish from coming into the Portland market.

STRIKE IS EXPECTED.

Tunnel in Justice Mine Said to Be Near the Ledge.

VANCOUVER, Wash., April 5 .- Vancou. ver stockholders in the Justice mine are awaiting with interest reports from the property, which is located in the famous San Poll mining district in Ferry County, favorable. Washington.

Ex-Ideutenant-Governor Thurston Dan iels, of this city, is vice-president of the Justice Mining Company. Late news just received by him from the president and manager at the mine is to the effect that the long tunnel on the property, begun a year ago to open up the mine on a lower level, is very near the ledge. The Justice mine carries a true fissure

The Justice mine carries a true insure vein, both walls being of pollshed gran-ite. Some time since a tunnel was run on the property, cutting the ledge at a vertical depth of 60 feet. At this point the ore assayed \$13 85 and the ledge was 12 feet 4 inches wide. A winze was put down on the vein at the end of the tun-red a distance of 11 feet when weine nel a distance of 11 feet, when water compelled temporary suspension of work, When development came to a close the bottom of the shaft was in ore, samples of which were sent to Denver for treatment, giving returns of 380 56 per ton, The company at once begin to run a tunnel to cut the ore body at a vertical depth of 255 feet. The granite formation made development slow. Considering the nature of the ore in the upper workings of the mine and the rapid improvement in values with depth, the Vancouver stockholders naturally entertain bright hopes for a rich strike in the lower tun-Work has commenced on the Grant's Pass-Williams telephone line, and the line Spokane, Denver and Portland assayers have pronounced the Justice ore will soon be in operation.

GOLF AT VICTORIA.

R. L. Macleay, of Portland, Won Driving Competition.

VICTORIA, B. C., April 5 .- In the golf ournament here today, the winners of the men's handicap match were decided, F. C. Gamble was first with a score of 103, less a handicap of 24; net score, 79, J. H. Gil'espie was second with 81, he having done the round in 31. He re-ceived a handicap of 10. H. Coombe, who was handicapped, minus three, and H. Gillespie, whose handicap was 18, were third, with 83 each. The actual scores were 80 and 101, respectively. The were third, driving competition was won by R. I. Macleay, of Portland, whose drive was 197 yards, 2 feet. The best average driving was by G. W. White, of Tacoma,

LAND OFFICE BUSINESS.

315 Homesteads Entered at La Grande in Last Three Months,

LA GRANDE, Or., April 5.-The La Grande Land Office, for the quarter enforcement-the affidavit set out therein sworn to before one of the officers named, ending March \$1, received filings on 315 homesteads, covering 48,490 acres. Be-sides this, there have been 29 final proofs, covering 4567 acres: 12 commuted homesteads, covering 1919 acres; 15 timber and stone land proofs and 15 entries, six original desert land proofs, four final timber culture, one preemption, one min-eral land proof, and 14 state selections. remedy prescribed must be strictly pur-

The total receipts of the office for the quarter were \$12,302 78. The La Grande District comprises all of Union, Wallowa and Umatilla counties and parts of Baker, Grant and Morrow counties. Goldsborough's Trial Run Today.

SEATTLE, Wash., April 5.-Lieutenant. Commander George H. Peters, Lieutenant-Commander A. B. Willits, Lieutenant Cle. land Offley, and Lieutenant R. C. Buimer, the board of officers selected from the battle-ship Iowa for the trial trip of the torpedo-boat destroyer Goldsborough, ar-

rived in the city this morning from Bre-merion. They will remain in Seattle un-til the official trip of the boat is made. Assistant Naval Constructor L. S. Adams, United States Navy, although not of the

Iowa, is one of the board and will judge the hull and general construction work of the little destroyer. It was announced tonight that a trial trip will be made tomorrow, if the weather conditions are

Fifteen Hundred Homeseekers,

SPOKANE, April 5.-Between 1400 and 1509 homeseekers arrived in Spokane today over the Northern Pacific, Great Northern and Burlington. About 500 left the train here, and will visit the communities near this place. The others went on to the Coast. Most of the travelers were in search of farm lands. The passengers included many Germans and Swedes.

Oregon Notes

Leland may build a Town Hall. A competitive exhibit of butter, cheese and poultry at Hillsboro is proposed. In the horse race at Eugene Wednesday

between Ream's Idlewilde and Royse's Fitzsimmons the former won by a length. The race was for \$1000. Considerable out-side money was staked on the race. Mrs. B. Kitterman and sister-in-law. Mrs. B. Skeeters, came near meeting with watery fate while crossing Sucker Creek, says a Kerby correspondent. The tugs snapped and the horses would have left them in the buggy, had not Mrs. Skeeters bravely stepped out on the buggy ongue and secured the animals again.

or fowls and presenting said affidavit mentioned in section 3, shall be required to deliver all scalps and heads to the Fish Commissioner or his deputy tak-

ing the affidavit,' etc. "It is the general rule of law that the expression of one thing excludes the other. and that 'the maxim is applicable to a statutory provision which grants origin

ally a power or right. In such cases the power or right originates with the statute, and exists only to the extent plainly granted. This conclusion is almost self-evident; for since the statute creates and regulates, there is no ground for claiming or proceeding except according to it. In other words, where a statute gives a new right and prescribes a particular remedy, such remedy must be strictly pursued and the party is confined to that remedy

"Prior to the act of 1901 no one could have a claim against the State of Oregon for the killing of any of the animals or fowls mentioned in said act. The right, if any now exists, was created by the statute; and the law which created such right also prescribed the remedy for its

and the delivery to the officer taking such affidavit, by the party swearing to the same, of the scalp or head of the animal or fowl for the killing of which the claim was made. As this statute gave a new right and prescribed a particular remedy, no other remedy exists, and the

"As, in my opinion, the offices of Fish Commissioner and Deputy Fish Commis-sioner have been abolished, and the words 'Master Fish Warden' or his 'deputy' cannot be by you inserted in the act in place and stead of 'Fish Commissioner and his deputy,' it is my opinion that there is no remedy for the enforcement of any rights against the state which might be

claimed to exist under and by virtue of said act for the killing of any of the animais or fowls mentioned therein." BANDMASTER ARRIVES.

Organization of Twenty-eighth Reg-

iment Band Will Begin at Once. VANCOUVER, Wash., April 5 .-- Cesare VANCOUVER, Wash., April 5.--Cesare Torcielli, who has been appointed band-master of the Twenty-eighth Infantry, being organized at Vancouver Barracks, arrived today from Manila. Mr. Torci-elli until quite recently was bandmaster of the Twenty-seventh Infantry, United States Volunteers, and received his ap-pointment to the Twenty-eighth upon his discharge from that regiment. He ar-He ardischarge from that regiment. rived at San Francisco a few days ago on the transport Thyra. He was accom-

panied by Charles Hasson, of this place, panied by charles rasson, of this place, formerly a member of the regimental band of the First Washington Volunteers, who occupied the position of quartermaster's clerk on the transport Thyra during her last round trip to the Philippines. Mr. Torciella will commence the organization of the band for the new regiment at

APPROPRIATION NOT NECESSARY.

New Supreme Judges Will Draw Pay From the Time They Took Seats.

OLYMPIA, April 5.-It was presumed that both of the new Supreme Court Judges would lose the amount of their salaries for the time they served prior to the going into effect of the appropriation bill, on April 1. Judge White had served 11, and Judge Hadley five days. The State Auditor asked the Attorney-General for an opinion, and is informed that the Judges are entitled to salaries for these periods under the constitution, which, under his construction, does not make it necessary for any appropriation whatever to pay the Supreme Court Judges, as the

Litigation Over Post Lambert Settled NEW WHATCOM, Wash., April 5 .- Set-

Circuit Court in May. The defendants have until May 1 to file an amended com-

tlement of the litigation affecting the Post Lambert mine, in the Mount Baker dis-trict, was effected here today. This mine was sold last year to J. G. English & Son, for \$750,000. They spent many thou-sand dollars developing it, but refused to make a second payment upon learning that a suit for a half interest in the property was about to be filed by J. C. Treutle who claimed to have grubstaked the dis-coverers of the property. Today's settlement recognizes Treutle's claim, and is effected upon a stock basis. The capital stock of the company is increased from \$100,000 to \$1,000,000.

Manager of the Seaboard.

RICHMOND, Va., April 5.-James M., Barr, vice-president of the Atchison, Topeka & Santa Fe, has accepted the posttion of first vice-president and general manager of the Seaboard Air Line system and will probably take charge May 1.

Hard Weather on Stock.

DALLAS, April 5 .- Farming is suspended as a result of the cold rains which have prevailed for the past two days. Range stock are suffering to a considerable extent from the weather, but no loss is an tleipated

Offer to Find Missing Girl.

COLFAX, Wash., April 5,-Henry M. McPhaul, City Marshal at Yuma, wires the parents of the missing Laura Morgan that if the expense is guaranteed the girl will be found.

Store and Postoffice Burned.

ALBANY, Or., April 5.-Fire last night destroyed the building at Foster occu-pied by the Postoffice and D. Ericson's store. A few stamps were the only ar-ticles saved. Loss, \$6000; insurance, \$300.

Received at the Penitentiary. SALEM, Or., April 5 .- Frank Howard, convicted of burglary committed in Jack-son County, was received at the Peni-tentiary today on a two-year sentence.

A Monster Aerolite.

LIMA, Peru, April 5.-Advices from Pimentel tell of the passage of a beautiful acrolite over that place, March 31, In appearance it was as large as a full moon. It passed nothwesterly over the town and dropped into the Pacific Ocean



must keep in the prime of health. Each motherowes this not only to herself, but more to the child whose present and future strength and development depend upon its mother's condition during the nursing period. A pure, gentle and invigorating stin nulantand

tonic is necessary to insure perfect health to the mother, and there is none so good as

Duffy's Pure Malt Whiskey

It is a modicine, and used as such it aids digestion, stimulates and enriches the blood, nourishes the brain, builds up the nerve tissues, and tones up the entire system.

All draggists and process, \$2.00 a bottle, the genuine; adjustitutes and imitations are Medical Booklet sent from in anyone who w

physical disorder affects the menstrual flow. In turn irregular menses, profuse, scanty or suppressed, are the causes of much pain and many deaths. The loss of blood by a profuse flow drains the body of its strength. The face becomes pale and haggard and the chest hollow. Consumption is not far off. Scopressed and scanty menstruation result in falling of the womb, leucorrhoea, tumors and painful and dangerous blood diseases. With such certain disasters attending irregularity of the menses every woman should carefully guard the periodical habit. The Rev. M. D. Stacy, a minister of repute in his community, is authority for the statement that

Women Should be Careful!

in is the most sensitive function of the female organism. Any

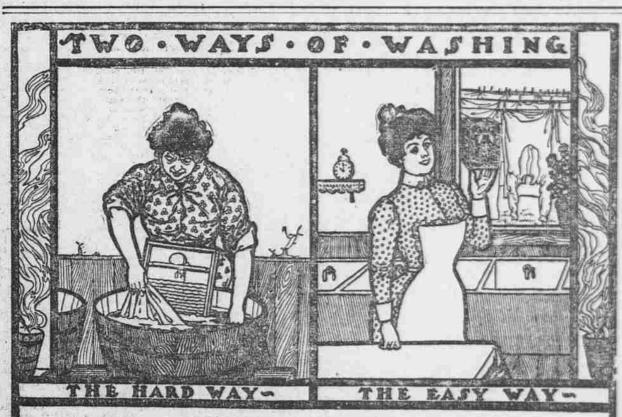
INEOFCARI

completely cured his wife of menstrual irregularities. Its cure of over 1,000,000 suffering women stamps Wine of Cardui as the greatest emmenagogue ever made. If menstruation does not reappear every twenty-eight days go to your druggist and purchase a \$1.00 bottle of Wine of Cardui. Mrs. Stacy did that and this is her experience:

Troublesome, Ky., July 27, 1900.

My family and I think your medicines are the best in the world. My wife's menstrual periods have been very Irregular, both in time and color, since December 1898. They would return every fifteen or twenty days and last from three to eight days. She would suffer almost death. She also had heart palpitation and every kind of ache and pain. I tried doctors and they gave no relief. I saw Wine of Cardui recommended and I want to a drug store and got a half dozen bottles. By the time she had used one bottle she was without pain and now she is able to do her housework. She is going through the change of life new. Rev. M. D. STACT.

For advice and literature, address, giving symptoms, "The Ladies' Advicery Department," The Chattanooga Medicine Company, Challanooes, Teen.



Why don't you try GOLD DUST Washing Powder and decide for yourself? GOLD DUST cleans everything from cellar to garret-clothes, furniture, wood-work, dishes, silver, kettles, pillows-everything. House work is hard work without GOLD DUST. Get the large package. It's more economical.

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Makors of FAIRY SOAP.